

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re National Phase PCT Application of

Erwin OSER et al.

Int'l. Appln. No.: PCT/DE2004/053650

Int'l. Filing Date: 22 December 2004

Serial No.: 10/583,936

Filed: June 22, 2006

For: An Apparatus and Method for Converting
Heat Energy to Mechanical Energy

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 9, 2007
(Date of Deposit)

Alfred W. Froebrich

Name of applicant, assignee or Registered Representative



Signature
July 9, 2007
Date of Signature

PETITION UNDER 37 CFR §1.47(a)

SIR:

By this petition, acceptance of the above-referenced application made by the co-inventor, Erwin Oser, on behalf of himself and Michael Rannow (hereafter also referred to as "non-signing co-inventor"), is respectfully requested. A supporting Declaration executed by Mr. Erwin Oser is enclosed herewith.

The non-signing inventor's last known address is c/o Vacutec GmbH (bzw. Nero Energy GmbH), Max-Plack-Str. 11, 53577 Neustadt (Wied)-Fernthal, Germany. As stated in the attached supporting Declaration, the attempt to obtain the non-signing co-

07/11/2007 LLANDGRA 00000026 10583936

03 FC:1463

200.00 OP

inventor's signature included sending a letter by certified mail to this address with all of the application papers including:

- A copy of the International Application Publication No. WO 2005/061857 A1, based on International Application No. PCT/EP2004/053650,
- An English translation of the International Application No. PCT/EP2004/053650,
- A copy of the preliminary amendment concurrently filed with the English translation as the above-referenced U.S. national phase application, and
- A combined Declaration and Power of Attorney for signature by Michael Rannow.

The certified mail reached and was accepted by the non-signing co-inventor on November 3, 2006. Thus, it is clear that the non-signing co-inventor was presented with all of the application papers. In an e-mail dated November 6, 2006, the non-signing co-inventor expressed an unwillingness to cooperate in the matter of the above-referenced U.S. patent application. Furthermore, Mr. Erwin Oser has not yet received executed application papers from the non-signing co-inventor.

As described above and evidenced by the attached supporting Declaration, a *bona fide* attempt using diligent effort was made to obtain the signature of the non-signing co-inventor. Furthermore, the conduct of the non-signing co-inventor, as described in the attached supporting Declaration, clearly constitutes a refusal to sign the application papers.

Enclosed herewith is a check for \$200 for the petition fee required under 37 CFR 1.17(g). Any additional fees or charges required at this time in connection with the

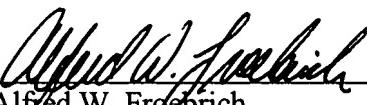
application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

In view of the above remarks and the attached supporting Declaration, granting of this petition is respectfully requested.

Respectfully submitted,

COHEN PONTANI LIEBERMAN & PAVANE LLP

By:


Alfred W. Froebich
Reg. No. 38,887
551 Fifth Avenue
New York, New York 10176
(212) 687-2770

Dated: 9 July 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

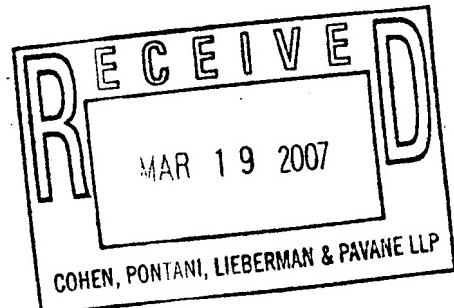
| | | |
|---|-----------------------|-------------------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/583,936 | Erwin Oser | 5151-18PUS (TCP/AUP) |
| | | INTERNATIONAL APPLICATION NO. |
| | | PCT/EP04/53650 |
| | | I.A. FILING DATE |
| | | PRIORITY DATE |
| | | 12/22/2004 12/22/2003 |
| DOCKETED BY <u>15 May 2007</u> DATE <u>15 May 2007</u> | | CONFIRMATION NO. 4402 |
| | | 371 FORMALITIES LETTER |
| | | *OC000000022908915* |

Date Mailed: 03/15/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/22/2006
- English Translation of the IA filed on 06/22/2006
- Copy of the International Search Report filed on 06/22/2006
- Copy of IPE Report filed on 06/22/2006
- Preliminary Amendments filed on 06/22/2006
- Information Disclosure Statements filed on 06/22/2006
- Oath or Declaration filed on 06/22/2006
- Request for Immediate Examination filed on 06/22/2006
- U.S. Basic National Fees filed on 06/22/2006
- Priority Documents filed on 06/22/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

P0 8024080

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/583,936 | PCT/EP04/53650 | 5151-18PUS |

FORM PCT/DO/EO/905 (371 Formalities Notice)